

Amend Section 80044 to read:

80044 INSPECTION AUTHORITY OF THE ~~DEPARTMENT OR~~
LICENSING AGENCY

80044

- (a) The ~~Department or~~ licensing agency shall have the inspection authority specified in Health and Safety Code Sections 1526.5, 1533, 1534 and 1538.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1526.5 provides in part:

Within 90 days after the date of issuance of a license or special permit pursuant to Section 1525, the ~~D~~department shall conduct an inspection of the facility for which the license or special permit was issued.

- (2) Health and Safety Code Section 1533 provides in part:

~~...Any~~ duly authorized officer, employee, or agent of the ~~sState d~~Department of Social Services may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter [~~the California Community Care Facilities Act~~].

- (3) Health and Safety Code Section 1534 provides in part:

~~Every licensed community care facility shall be periodically inspected and evaluated for quality of care by a representative or representatives designated by the director. Evaluations shall be conducted at least once per year and as often as necessary to insure the quality of care being provided.~~

“(a) (1) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.”

“(A) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

“(i) When a license is on probation.

“(ii) When the terms of agreement in a facility compliance plan require an annual evaluation.

“(iii) When an accusation against a licensee is pending.

“(iv) When a facility requires an annual visit as a condition of receiving federal financial participation.”

“(v) In order to verify that a person who has been ordered out of a facility by the department is no longer at the facility.”

“(B) The department shall conduct [random] annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subparagraph (A)....”

“(C) Under no circumstance shall the department visit a community care facility less often than once every five years.”

(4) Health and Safety Code Section 1538(c) provides in part:

- ~~(A) Any person may request an inspection of any community care facility in accordance with the provisions of this chapter by transmitting to the state department notice of an alleged violation of applicable requirements prescribed by statutes or regulations of this state, including, but not limited to, a denial of access of any person authorized to enter such facility pursuant to Section 9701 of the Welfare and Institutions Code. A complaint may be made either orally or in writing.~~
- ~~(B) The substance of the complaint shall be provided to the licensee no earlier than at the time of the inspection. Unless the complainant specifically requests otherwise, neither the substance of the complaint provided the licensee nor any copy of the complaint or any record published, released, or otherwise made available to the licensee shall disclose the name of any person mentioned in the complaint except the name of any duly authorized officer, employee, or agency of the state department conducting the investigation or inspection pursuant to this chapter.~~
- ~~(C) Upon receipt of a complaint,... other than a complaint alleging denial of a statutory right of access to a community care facility, the state department shall make a preliminary review and,... unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection... within 10 days after receiving the complaint, except where a visit would adversely affect the licensing investigation or the investigation of other agencies. In either event, the complainant shall be promptly informed of the state department's proposed course of action.~~

- (D) ~~Upon receipt of a complaint alleging denial of a statutory right of access to a community care facility, the state department shall review the complaint. The complainant shall be notified promptly of the state department's proposed course of action.~~

HANDBOOK ENDS HERE

- (b) The ~~Department or~~ licensing agency shall have the authority to interview clients, including children, or staff, members ~~and to inspect and audit client or facility records~~ without prior consent.
- (1) The licensee shall ~~make~~ ensure that provisions are made for private interviews with any clients, including children, or any staff members; ~~and for the examination of all records relating to the operation of the facility.~~
- (c) The licensing agency shall have the authority to inspect, audit, and copy client or facility records upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the requirements specified in Sections 80066(c) and 80070(d).
- (1) The licensee shall ensure that provisions are made for the examination of all records relating to the operation of the facility.
- (ed) The ~~Department or~~ licensing agency shall have the authority to observe the physical condition of the client, including conditions ~~which~~ that could indicate abuse, neglect, or inappropriate placement, and to have a licensed medical professional physically examine the client.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1526.5, 1531, 1533, 1534 and 1538, Health and Safety Code.

Amend Section 80045 to read:

80045 EVALUATION VISITS

80045

- (a) Community care facilities shall be evaluated as specified in Health and Safety Code Sections 1534 and 1548.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1534(a) provides in part:

“(a) (1) Every licensed community care facility shall be ~~periodically inspected and evaluated for quality of care by a representative or representatives designated by the Director. Evaluations shall be conducted at least once per year and~~ subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care being provided.

“(A) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

“(i) When a license is on probation.

“(ii) When the terms of agreement in a facility compliance plan require an annual evaluation.

“(iii) When an accusation against a licensee is pending.

“(iv) When a facility requires an annual visit as a condition of receiving federal financial participation.

“(v) In order to verify that a person who has been ordered out of a facility by the department is no longer at the facility.

“(B) The department shall conduct [random] annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subparagraph (A)....

“(C) Under no circumstance shall the department visit a community care facility less often than once every five years.

“(2) The state department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility. ~~Upon finding of noncompliance, the state department may levy a civil penalty not to exceed fifty dollars (\$50) per day which shall be paid to the state department each day until the state department finds the facility in compliance. If the facility fails to comply within the established length of time, then the amount collected from the facility shall be forfeited to the state department. In such case, the department may also initiate action against the facility in accordance with the provisions of Article 5 (commencing with Section 1550) of this chapter.~~

“(3) Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the state department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection in the county in which the facility is located.”

(2) Health and Safety Code Section 1548 provides in part:

“(a) In addition to suspension or revocation of a license issued ~~under this chapter, ...~~ the department may levy a civil penalty in addition to the penalties of suspension or revocation.

“(b) The amount of the civil penalty shall not be less than twenty-five dollars (\$25) or more than fifty dollars (\$50) per day for each violation of this chapter except where the nature or seriousness of the violation or the frequency of the violation warrants a higher penalty or an immediate civil penalty assessment, or both, as determined by the department. In no event, shall a civil penalty assessment exceed one hundred fifty dollars (\$150) per day.”

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited: Sections 1530 and 1548, Health and Safety Code.

Reference: Sections ~~1528~~, 1533, 1534, 1538 and 1548, Health and Safety Code.

Amend Section 80066 to read:

80066 PERSONNEL RECORDS

80066

- (a) The licensee shall ensure that ~~P~~personnel records ~~shall be~~ are maintained on the licensee, administrator and each employee; Each personnel record and shall contain the following information: (Continued)
- (6) Documentation of the educational background, training and/or experience specified in ~~Chapters 2 through 7~~ licensing regulations for the type of facility in which the employee works. (Continued)
- (10) A health screening as specified in Section 80065(g). (Continued)
- (c) All personnel records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing representatives shall not remove any current emergency and health-related information for current personnel unless the same information is otherwise readily available in another document or format.
- (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
- (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (~~e~~d) (Continued)
- (~~d~~e) All personnel records shall be maintained at the facility site ~~and shall be available to the licensing agency for review.~~
- (1) The licensee shall be permitted to retain such records in a central administrative location provided that they are readily available to the licensing agency at the facility site upon request as specified in Section 80066(c).
- (~~e~~f) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 80070 to read:

80070 CLIENT RECORDS

80070

- (a) The licensee shall ensure that ~~A~~ a separate, complete, and current record ~~shall be~~ is maintained in the facility for each client. (Continued)
- (d) All client records shall be ~~subject to reproduction by~~ available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
 - (1) ~~A client's records shall also be open to inspection by the client's authorized representative, if any. Licensing representatives shall not remove the following current records for current clients unless the same information is otherwise readily available in another document or format:~~
 - (A) Name, address, and telephone number of the authorized representative(s) as specified in Section 80070(b)(5).
 - (B) Name, address, and telephone number of a client's physician and dentist, and any other medical and mental health providers, as specified in Section 80070(b)(7).
 - (C) Medical assessment, including ambulatory status, as specified in Section 80070(b)(8).
 - (D) Record of any current illness or injury as specified in Section 80070(b)(9).
 - (E) Record of current medications as specified in Section 80070(b)(10).
 - (F) Restricted Health Condition Care Plan as specified in Section 80070(b)(11).
 - (G) Functional assessment as specified in Section 80070(b)(12).
 - (H) Mental health assessment as specified in Section 80070(b)(13).
 - (I) Any other records containing current emergency or health-related information for current clients.
 - (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
 - (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

(e) A client's records shall be open to inspection by the client's authorized representative(s), if any.

(ef) (Continued)

(fg) Original client records or photographic reproductions ~~of all client records~~ shall be retained for at least three years following termination of service to the client.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, ~~1528~~, and 1531, Health and Safety Code.

Amend Section 84063 to read:

84063 ACCOUNTABILITY

84063

- (a) The board of directors shall be active in ensuring accountability; and shall perform, at a minimum, the following responsibilities duties: (Continued)
- (10) Ensure that all minutes of board of directors' meetings are available ~~for review by~~ to the licensing agency, and to inspect, audit, and copy upon demand during normal business hours. Minutes may be removed if necessary for copying. Removal of minutes shall be subject to the following requirements:
- (A) Prior to removing any minutes, a licensing representative shall prepare a list of the minutes to be removed, sign and date the list upon removal of the minutes, and leave a copy of the list with the administrator or designee.
- (B) Licensing representatives shall return the minutes undamaged and in good order within three business days following the date the minutes were removed.
- (11) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1520.1(f) and 1520.11(c), Health and Safety Code.

Amend Section 87344 to read:

87344 INSPECTION AUTHORITY OF THE LICENSING AGENCY

87344

- (a) Any duly authorized officer, employee or agent of the ~~Department~~ licensing agency may, upon proper identification and upon stating the purpose of his/her visit, enter and inspect the entire premises of any place providing services at any time, with or without advance notice.
- (b) The licensee shall ensure that Pprovisions shall be are made for private interviews with any person receiving services resident or any staff member; and for the examination of all records relating to the operation of the facility.
- (c) The licensing agency shall have the authority to inspect, audit, and copy resident or facility records upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the requirements in Sections 87566(d), 87570(d), and 87571(b).
- (ed) The ~~Department~~ licensing agency shall have the inspection authority as specified in Health and Safety Code Sections 1569.24, 1569.32, 1569.33 and 1569.35.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1569.24 provides in part:

Within 90 days of initial licensure, the ~~D~~department shall inspect the facility to evaluate compliance with rules and regulations and to assess the facility's continuing ability to meet regulatory requirements.

- (2) Health and Safety Code Section 1569.32 provides:

“Any duly authorized officer, employee, or agent of the department may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, this chapter.”

- (3) Health and Safety Code Section 1569.33 provides in part:

“(a) Every licensed residential care facility for the elderly shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

“(b) The department shall conduct an annual unannounced visit of a facility under any of the following circumstances:

“(1) When a license is on probation.

“(2) When the terms of agreement in a facility compliance plan require an annual evaluation.

“(3) When an accusation against a licensee is pending.

“(4) When a facility requires an annual visit as a condition of receiving federal financial participation.

“(5) In order to verify that a person who has been ordered out of the facility for the elderly by the department is no longer at the facility.

“(c) The department shall conduct [random] annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subdivision (b)....

“(d) Under no circumstance shall the department visit a residential care facility for the elderly less often than once every five years.”

(4) Health and Safety Code Section 1569.35 provides in part:

“Upon receipt of a complaint, ...the department shall make a preliminary review and...an onsite inspection within 10 days after receiving the complaint except where the visit would adversely affect the licensing investigation or the investigation of other agencies, including, but not limited to, law enforcement agencies.”

HANDBOOK ENDS HERE

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.24, 1569.33, 1569.34, and 1569.35, Health and Safety Code.

Amend Section 87345 to read:

87345 EVALUATION VISIT

87345

- (a) ~~Each community~~ Every residential care facility for the elderly shall be evaluated at least once annually as specified in Health and Safety Code Section 1569.33.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1569.33 provides in part:

“(a) Every licensed residential care facility for the elderly shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

“(b) The department shall conduct an annual unannounced visit of a facility under any of the following circumstances:

“(1) When a license is on probation.

“(2) When the terms of agreement in a facility compliance plan require an annual evaluation.

“(3) When an accusation against a licensee is pending.

“(4) When a facility requires an annual visit as a condition of receiving federal financial participation.

“(5) In order to verify that a person who has been ordered out of the facility for the elderly by the department is no longer at the facility.

“(c) The department shall conduct [random] annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subdivision (b).

“(d) Under no circumstance shall the department visit a residential care facility for the elderly less often than once every five years.”

HANDBOOK ENDS HERE

- (b) Any number of other visits may be made to a facility for various purposes as determined to be necessary by the Department or licensing agency to determine compliance with applicable laws and regulations and applicable standards.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.11, 1569.24, 1569.32, 1569.33, 1569.34, and 1569.35, Health and Safety Code.

Amend Section 87566 to read:

87566 PERSONNEL RECORDS

87566

- (a) The licensee shall ensure that ~~P~~personnel records ~~shall be~~ are maintained on the licensee, administrator and each employee. Each personnel record and shall contain the following information: (Continued)
- (4) Written verification that the employee is at least 18 years of age, ~~which shall include including,~~ but not necessarily ~~be~~ limited to, a copy of his/her birth certificate or driver's license. (Continued)
- (7) (Continued)

~~HANDBOOK BEGINS HERE~~

- ~~(A) Section 1569.17(b)(2) of the Health and Safety Code provides:~~

~~Any person, other than a client, residing in the facility.~~

- ~~(B) Section 1569.17(c)(4) of the Health and Safety Code provides in part:~~

~~Except for persons specified in paragraph (2) of subdivision (b), the licensee shall endeavor to ascertain the previous employment history of persons required to be fingerprinted under this subdivision.~~

~~HANDBOOK ENDS HERE~~

- (8) (Continued)
- (e) All personnel records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing representatives shall not remove any current emergency or health-related information for current personnel unless the same information is otherwise readily available in another document or format.
- (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
- (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (~~e~~f) (Continued)

(fg) (Continued)

(gh) (Continued)

Authority Cited: Sections 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.17(c), ~~1569.30~~, 1569.31, 1569.312, 1569.613, 1569.616, and 1569.625, Health and Safety Code.

Amend Section 87570 to read:

87570 RESIDENT RECORDS

87570

- (a) The licensee shall ensure that A a separate, complete, and current record shall be is maintained for each resident.—Such record shall be current and complete and shall be maintained in the facility or in a central administrative location readily available to facility staff and to Department licensing agency staff. (Continued)
- (b) (Continued)
- (6) Names, addresses, and telephone numbers of responsible persons, as defined by in sSection 87101~~1~~-(3) (r), to be notified in case of accident, death, or other emergency. (Continued)
- (ed) All resident records shall be open to inspection and audit, by available to the licensing agency or Department and shall be subject to reproduction upon demand, at a reasonable cost, to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing representatives shall not remove the following current records for current residents unless the same information is otherwise readily available in another document or format:
- (A) Religious preference, if any, and name and address of clergyman or religious advisor, if any, as specified in Section 87570(b)(5).
- (B) Name, address, and telephone number of responsible person(s) as specified in Section 87570(b)(6).
- (C) Name, address, and telephone number of the resident's physician and dentist as specified in Section 87570(b)(7).
- (D) Information relating to the resident's medical assessment and any special problems or precautions as specified in Section 87570(b)(8).
- (E) Documentation required for residents with an allowable health condition as specified in Section 87570(b)(9).
- (F) Information on ambulatory status as specified in Section 87570(b)(10).
- (G) Continuing record of any illness, injury, or medical or dental care when it affects the resident's ability to function, or services needed, as specified in Section 87570(b)(11).

- (H) Records of current medications as specified in Section 87570(b)(12).
 - (I) Any other records containing current emergency or health-related information for current residents.
 - (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
 - (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (de) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312, and 1569.315, ~~1569.32~~, ~~1569.54~~, ~~and 1569.73~~, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

Amend Section 87571 to read:

87571 REGISTER OF RESIDENTS

87571

(a) ~~In all licensed facilities, the following shall apply:~~

(~~1~~a) ~~The licensee shall ensure that A a current register of all residents in the facility shall be is maintained; shall be updated as needed; shall be immediately available to licensing staff upon request; and shall contains the following updated information:~~

(~~A~~1) ~~The Rresident's name and ambulatory status as specified in Sections 87570(b)(1) and (b)(~~9~~10).~~

(~~B~~2) Information on the resident's attending physician, as specified in Section 87570(b)(7).

(~~C~~3) Information on the resident's responsible person, as specified in Section 87570(b)(6).

(b) Registers of residents shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Registers may be removed if necessary for copying. Removal of registers shall be subject to the following requirements:

(1) Licensing representatives shall not remove current registers unless the same information is otherwise readily available in another document or format.

(2) Prior to removing any registers, a licensing representative shall prepare a list of the registers to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.

(3) Licensing representatives shall return the registers undamaged and in good order within three business days following the date the records were removed.

(~~2~~c) The register of current residents shall be kept in a central location at the facility.

(~~A~~1) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Section 1569.315, Health and Safety Code.

Amend Section 87844 to read:

87844 INSPECTION AUTHORITY OF THE DEPARTMENT 87844
OR LICENSING AGENCY (Continued)

- (c) The Department shall have the authority to interview residents or staff members, ~~and to inspect and audit resident or facility records~~ without prior consent.
- (1) The licensee shall ~~make~~ ensure that provisions are made for private interviews with any residents or ~~any staff members~~ and for the examination of all records relating to the operation of the facility.
- (d) The Department shall have the authority to inspect, audit, and copy resident or facility records upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the requirements in Sections 87866(c) and 87870(d).
- (1) The licensee shall make provisions for the examination of all records relating to the operation of the facility.
- (~~d~~e) (Continued)

Authority Cited: Section 1568.072, Health and Safety Code.

Reference: Sections 1568.07, 1568.071 and 1568.072, Health and Safety Code.

Amend Section 87866 to read:

87866 PERSONNEL RECORDS

87866

- (a) The licensee shall ensure that personnel records shall be are maintained on the licensee, administrator and each employee; Each personnel record and shall contain the following information: (Continued)
- (c) All personnel records shall be available to the Department to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing representatives shall not remove any current emergency or health-related information for current personnel unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
 - (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (~~e~~) (Continued)
- (~~d~~) (Continued)
- (~~e~~) (Continued)

Authority Cited: Section 1568.072, Health and Safety Code.

Reference: Section 1568.072, Health and Safety Code.

Amend Section 87870 to read:

87870 RESIDENT RECORDS

87870

- (a) The licensee shall ensure that ~~A~~ a separate, complete, and current record ~~shall be~~ is maintained in the facility for each resident. (Continued)
- (d) All resident records shall be ~~subject to reproduction by~~ available to the Department to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
 - (1) Licensing representatives shall not remove the following current records for current residents unless the same information is otherwise readily available in another document or format:
 - (A) Name, address, and telephone number of the resident's authorized representative(s), if any, as specified in Section 87870(b)(5) and defined in Section 87801(a).
 - (B) Name, address, and telephone number of the resident's physician, surgeon and dentist, and other medical and mental health providers, if any, as specified in Section 87870(b)(7).
 - (C) Medical assessment, including ambulatory status, as specified in Section 87870(b)(8).
 - (D) Results of tuberculosis skin tests, including a current log of the results of tuberculosis skin tests, as specified in Sections 87870(b)(9) and (b)(19).
 - (E) Record of any current illness or injury requiring treatment by a physician or dentist for which the facility provided assistance as specified in Section 87870(b)(10).
 - (F) Record of current medications as specified in Section 87870(b)(11).
 - (G) Name, address, and telephone number of any person or agency responsible for the care of a resident as specified in Section 87870((b)(14).
 - (H) Weekly weight record as specified in Section 87870(b)(15).
 - (I) Copy of signed "DO NOT Resuscitate Order" as specified in Section 87870(b)(16) and defined in Section 87801(d).
 - (J) Copy of signed Durable Power of Attorney for Health Care as specified in Section 87870(b)(17) and defined in Section 87801(d).

- (K) Information regarding the resident's individual services plan/team as specified in Section 87870(b)(18) and defined in Section 87801(i).
- (L) Any other records containing current emergency or health-related information for current residents.
- (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
- (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (+e) A resident's records shall also be open to inspection by the resident's authorized representative, if any.
- (ef) (Continued)
- (fg) Original resident records or photographic reproductions of ~~all resident records~~ shall be retained for at least three years following termination of service to the resident.

Authority Cited: Section 1568.072, Health and Safety Code.

Reference: Sections 1568.072, and 1568.08, Health and Safety Code.

Amend Section 88069.7 to read:

88069.7 CONTENT OF CERTIFIED FAMILY HOME OR LICENSED
FOSTER FAMILY HOME CASE RECORD (Continued)

88069.7

- (d) All information in case records shall be confidential and shall be available only to the licensing agency; and to placement agency staff and the foster family agency personnel who that need access for the to the information to performance of their duties.
- (1) This requirement does not relieve the foster family agency of the responsibility for transmitting copies of substantiated complaints to specified parties, as required by Section 88061(1), ~~when required to do so by the Department.~~
- (e) All case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing representatives shall not remove any current emergency or health-related information for current foster children unless the same information is otherwise readily available in another document or format.
- (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
- (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1522, 1522.1, ~~1530~~ and 1531, Health and Safety Code.

Amend Section 88070 to read:

88070 CHILDREN'S CASE RECORDS

88070

(a) (Continued)

- (3) All information in children's case records shall be confidential and shall be available only to the licensing agency; and to placement agency staff and foster family agency personnel who that need access for the to the information to performance of their duties.
- (4) All children's case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
 - (A) Licensing representatives shall not remove any current emergency or health-related information for current foster children unless the same information is otherwise readily available in another document or format.
 - (B) Prior to removing any case records, a licensing representative shall prepare a list of the case records to be removed, sign and date the list upon removal of the case records, and leave a copy of the list with the administrator or designee.
 - (C) Licensing representatives shall return the case records undamaged and in good order within three business days following the date the case records were removed.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1506(b), ~~1530~~ and 1531, Health and Safety Code.

Amend Section 89119 to read:

89119 BOARD MEETINGS – PRIVATE ADOPTION AGENCIES 89119

- (a) Minutes shall be kept of the Board meetings and shall be available for review by the ~~Department~~ to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Minutes may be removed if necessary for copying. Removal of minutes shall be subject to the following requirements:
- (1) Prior to removing any minutes, a licensing representative shall prepare a list of the minutes to be removed, sign and date the list upon removal of the minutes, and leave a copy of the list with the executive director or designee.
 - (2) Licensing representatives shall return the minutes undamaged and in good order within three business days following the date the minutes were removed.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1505, 1506, 1520, ~~1530~~ and 1531, Health and Safety Code.

Amend Section 89182 to read:

89182 CONTENT OF CASE RECORD (Continued)

89182

- (c) All information in case records shall be confidential, ~~and a~~ Adoption records shall be available only to authorized adoption agency personnel; and to the licensing agency as specified in Section 89182(d).
- (d) All case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
 - (1) Prior to removing any case records, a licensing representative shall prepare a list of the case records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the executive director or designee.
 - (2) Licensing representatives shall return the case records undamaged and in good order within three business days following the date the case records were removed.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1505, 1506, 1520, ~~1530~~ and 1531, Health and Safety Code.

Amend Section 89244 to read:

89244 INSPECTION AUTHORITY OF THE ~~DEPARTMENT OR~~ LICENSING AGENCY 89244

- (a) The ~~Department or~~ licensing agency shall have the inspection authority specified in Sections 1533, 1534, and 1538 of the Health and Safety Code.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1533 provides in part:

“...any duly authorized officer, employee, or agent of the State Department of Social Services may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter.

“Foster family homes which are considered private residences for the purposes of Section 1530.5 shall not be subject to inspection by the department or its officers without advance notice, except in response to a complaint. The unannounced visits shall not constitute the annual evaluation visit required by Section 1534. Inspection visits to foster family homes shall be made during normal business hours, unless the serious nature of a complaint requires otherwise.

~~Inspection visits to foster family homes shall be made during normal business hours, unless the serious nature of a complaint requires otherwise.~~ (Continued)

- (2) Health and Safety Code Section 1534(a) provides in part:

~~“(1) (A) Every licensed community care facility shall be periodically inspected and evaluated for quality of care by a representative or representatives designated by the director. Evaluations shall be conducted at least once per year and as often as necessary to insure the quality of care being provided...”~~

“(a) (1) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

“(A) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

“(i) When a license is on probation.

“(ii) When the terms of agreement in a facility compliance plan require an annual evaluation.

“(iii) When an accusation against a licensee is pending.

“(iv) When a facility requires an annual visit as a condition of receiving federal financial participation.

“(v) In order to verify that a person who has been ordered out of a facility by the department is no longer at the facility.

“(B) The department shall conduct [random] annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subparagraph (A)....

“(C) Under no circumstance shall the department visit a community care facility less often than once every five years.

“(2) (Continued)

(3) Health and Safety Code Section 1538 provides in part:

“(a) Any person may request an inspection of any community care facility or certified family home in accordance with ~~the provisions of~~ this chapter by transmitting to the state department notice of an alleged violation of applicable requirements prescribed by statutes or regulations of this state, including, but not limited to, a denial of access of any person authorized to enter the facility pursuant to Section 9701 of the Welfare and Institutions Code. A complaint may be made either orally or in writing.

“(b) (Continued)

“(c) Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a community care facility or certified family home, the state department shall make a preliminary review and, unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection of the community care facility or certified family home within 10 days after receiving the complaint, except where a visit would adversely affect the licensing investigation or the investigation of other agencies. In either event, the complainant shall be promptly informed of the state department’s proposed course of action.”

- “(d) Upon receipt of a complaint alleging denial of a statutory right of access to a community care facility or certified family home, the state department shall review the complaint. The complainant shall be notified promptly of the state department’s proposed course of action.”

HANDBOOK ENDS HERE

- (b) The licensing agency shall have the authority to interview any foster child; ~~in the a foster family home, and to inspect, reproduce and audit the children’s or the home’s records~~ without prior consent.
- (1) The caregiver shall make provisions for private interviews with any foster child ~~and for the examination of all records relating to the operation of the home.~~
- (c) The licensing agency shall have the authority to inspect, audit, and copy the children’s or the foster family home’s records upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the requirements in Sections 89370(c) and 89566(d).
- (1) The caregiver shall make provisions for the examination of all records relating to the operation of the foster family home.
- (ed) (Continued)

Authority Cited: Sections 1530, ~~1530.5, and 1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1530.5, 1531, 1533, 1534 and 1538, Health and Safety Code.

Amend Section 89245 to read:

89245 EVALUATION VISITS

89245

(a) (Continued)

HANDBOOK BEGINS HERE

(1) Health and Safety Code Section 1533 provides in part:

“...any duly authorized officer, employee, or agent of the State Department of Social Services may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter. (Continued)

(2) Health and Safety Code Section 1534(a) provides in part:

~~“(1) (A) Every licensed community care facility shall be periodically inspected and evaluated for quality of care by a representative or representatives designated by the director. Evaluations shall be conducted at least once per year and as often as necessary to insure the quality of care being provided...”~~

“(a) (1) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.”

“(A) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

“(i) When a license is on probation.

“(ii) When the terms of agreement in a facility plan require an annual evaluation.

“(iii) When an accusation against a licensee is pending.

“(iv) When a facility requires an annual visit as a condition of receiving federal financial participation.

“(v) In order to verify that a person who has been ordered out of a facility by the department is no longer at the facility.

“(B) The department shall conduct [random] annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subparagraph (A)....

“(C) Under no circumstance shall the department visit a community care facility less often than once every five years.

“(2) (Continued)

(b) (Continued)

Authority Cited: Sections 1530, ~~1530.5, and 1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1507.5, 1530.5, 1531, 1533, 1534 and 1538, Health and Safety Code.

Amend Section 89370 to read:

89370 CHILDREN'S RECORDS (Continued)

89370

- (c) All children's records shall be ~~subject to inspection and reproduction by~~ available to the licensing/approval agency ~~when requested~~ to inspect, audit, and copy upon demand during business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing/approval agency representatives shall not remove any current emergency or health-related children's records unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any records, a licensing/approval agency representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the caregiver.
 - (3) Licensing/approval agency representatives shall return the records to the home undamaged and in good order within three business days following the date the records were removed.
- (d) (Continued)

Authority Cited: Sections 1530, ~~1530.5, and 1531~~ Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1520, 1530.5, 1531, and 1557.5, Health and Safety Code.

Amend Section 89566 to read:

89566 PERSONNEL RECORDS FOR SPECIALIZED FOSTER 89566
FAMILY HOMES (Continued)

- (d) All personnel records shall be maintained at the home; and shall be available to the licensing agency for review; to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing representatives shall not remove any current emergency or health-related information for current caregivers unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any children's records from a home, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the caregiver.
 - (3) Licensing representatives shall return the children's records undamaged and in good order within three business days following the date the records were removed.
- (e) (Continued)

Authority Cited: Section 17730, Welfare and Institutions Code; Sections 1530, ~~1530.5, and 1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Section 17731, Welfare and Institutions Code and Sections 1501, 1501.1, 1507, 1507.2, 1530.5, and 1531, Health and Safety Code.

Amend Section 101200 to read:

101200 INSPECTION AUTHORITY OF THE DEPARTMENT

101200

- (a) The Department has the inspection authority specified in Health and Safety Code Sections 1596.852, ~~and 1596.853~~ and 1596.8535.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1596.852 provides ~~in part~~:

Any duly authorized officer, employee, or agent of the department may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, ~~this act~~, or the regulations adopted by the department pursuant to ~~this~~ the act.

- (2) Health and Safety Code Section 1596.853 provides in part:

~~(A)~~ (a) (Continued)

~~(B)~~ (b) (Continued)

~~(C)~~ (c) Upon request of a complaint, the department shall make a preliminary review and, unless the department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, the department shall make an onsite inspection within 10 days after receiving the complaint, except where the visit would adversely affect the licensing investigation or the investigation of other agencies, including, but not limited to, law enforcement agencies. In either event, the complainant shall be promptly informed of the department's proposed course of action.

~~(D)~~ (1) (Continued)

(2) (Continued)

~~(E)~~ (e) (Continued)

- (3) Health and Safety Code Section 1596.8535(a) provides:

"Notwithstanding any other provision of law, the department shall conduct any authorized inspection, announced site visit, or unannounced site visit of any child daycare facility only during the period beginning one hour before and ending one hour after the facility's normal business hours or at any time childcare services are being provided. This subdivision shall not apply to the investigation of any complaint received by the department if the department determines that an

inspection or site visit outside the time period beginning one hour before, and ending one hour after, the facility's normal operating hours is necessary to protect the health or safety of any child in the facility."

HANDBOOK ENDS HERE

- (b) The Department has the authority to interview children or staff, ~~and to inspect and audit child or child care center records,~~ without prior consent.
 - (1) The licensee shall ~~make~~ ensure that provisions are made for private interviews with any child(ren) or staff members; ~~and for the examination of all records relating to the operation of the child care center.~~
- (c) The Department has the authority to inspect, audit, and copy child or child care center records upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the requirements in Sections 101217(c) and 101221(d).
 - (1) The licensee shall ensure that provisions are made for the examination of all records relating to the operation of the child care center.
- (ed) (Continued)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, ~~1596.81,~~ 1596.852, ~~and~~ 1596.853, and 1596.8535, Health and Safety Code.

Amend Section 101201 to read:

101201 EVALUATION VISITS

101201

(a) (Continued)

HANDBOOK BEGINS HERE

(1) Health and Safety Code Section 1596.98(a) provides:

(Continued)

(2) Health and Safety Code Section 1596.99 provides in part:

(a) (Continued)

(b) (Continued)

(3) (Continued)

(4) Health and Safety Code Section 1597.09 provides in part:

~~A site visitation to all licensed day care centers shall be made annually and as often as necessary to ensure compliance.~~

“(a) Each licensed child day care center shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

“(b) The department shall conduct an annual unannounced visit to a licensed child day care center under any of the following circumstances:

“(1) When a license is on probation.

“(2) When the terms of agreement in a facility compliance plan require an annual evaluation.

“(3) When an accusation against a licensee is pending.

“(4) In order to verify that a person who has been ordered out of a child day care center by the department is no longer at the facility.

“(c) The department shall conduct an [random] annual unannounced visit to no less than 10 percent of facilities not subject to an evaluation under subdivision (b).....

“(d) Under no circumstances shall the department visit a community care facility less often than once every five years.”

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited: Sections 1596.81 ~~and 1596.99~~, Health and Safety Code.

Reference: Sections 1596.81(b), 1596.852, 1596.98, 1596.99, 1597.08 and 1597.09, Health and Safety Code.

Amend Section 101217 to read:

101217 PERSONNEL RECORDS

101217

- (a) The licensee shall ensure that personnel records shall be are maintained on the licensee, administrator and each employee; Each personnel record and shall contain the following information: (Continued)

- (10) A signed and dated copy of a Notice of Employee Rights (LIC 9052 [11/94 3/03]).
(Continued)

- (c) All personnel records shall be available to the Department to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:

- (1) Licensing representatives shall not remove the following current records for current personnel unless the same information is otherwise readily available in another document or format.

- (A) Health-screening records and results of tuberculosis tests as specified in Section 101216(g).

- (B) Documentation of completion of health and safety training as specified in Sections 101215.1(m), 101216(f), and 101216.1(i).

- (C) Any other records containing current emergency or health-related information for current personnel.

- (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.

- (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

(~~e~~d) (Continued)

(~~d~~e) (Continued)

- (1) The licensee may keep such records in a central administrative location provided that they are readily available to the Department at the child care center site upon request as specified in Section 101217(c).

(~~e~~f) (Continued)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, ~~1596.81~~, 1596.880, 1596.881 and 1596.882, Health and Safety Code.

Amend Section 101221 to read:

101221 CHILD'S RECORDS

101221

- (a) The licensee shall ensure that ~~A~~ a separate, complete and current record for each child ~~shall be~~ is maintained in the child care center. (Continued)
- (d) All children's records shall be ~~subject to reproduction by~~ available to the Department to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) ~~A child's records shall also be open to inspection by the child's authorized representative.~~ Licensing representatives shall not remove the following current records for current children in care unless the same information is otherwise readily available in another document or format:
- (A) Name, address and telephone number of the child's authorized representative, and of relatives or others who can assume responsibility for the child if the authorized representative cannot be reached, as specified in Section 101221(a)(5).
- (B) Name, address and telephone number of the child's physician, dentist and any other health-care providers as specified in Section 101221(a)(7).
- (C) Medical assessment and other information as specified in Section 101221(a)(8).
- (D) Records of any current illness or injury as specified in Section 101221(a)(9).
- (E) Record of current medications as specified in Section 101221(a)(10).
- (F) Any current authorizations for children's activities away from the center as specified in Section 101221(a)(11).
- (G) Immunization records as specified in Section 101220.1(g).
- (H) Any other records containing current emergency or health-related information for current children in care.
- (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
- (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

(e) A child's records shall also be open to inspection by the child's authorized representative.

~~(ef)~~ (Continued)

~~(fg)~~ (Continued)

~~(gh)~~ (Continued)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, ~~1596.81~~, 1596.857, 1596.876 and 1597.05, Health and Safety Code; and *Golden Day Schools, Inc. v. Pirillo* (C.D. Cal 2000) 118 F.Supp.2nd 1037.

Amend Section 102391 to read:

102391 INSPECTION AUTHORITY OF THE DEPARTMENT
(Continued)

102391

- (b) The licensee shall permit the Department to inspect the family child care home, and to privately interview children or staff, to determine compliance with or to prevent violations of family child care laws or regulations. The Department shall exercise this authority during the home's normal business hours, or at any time family child care services are being provided at the home as specified in Health and Safety Code Section 1596.8535(a).

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1596.8535(a) provides:

"Notwithstanding any other provision of law, the department shall conduct any authorized inspection, announced site visit, or unannounced site visit of any child daycare facility only during the period beginning one hour before and ending one hour after the facility's normal business hours or at any time childcare services are being provided. This subdivision shall not apply to the investigation of any complaint received by the department if the department determines that an inspection or site visit outside the time period beginning one hour before, and ending one hour after, the facility's normal operating hours is necessary to protect the health or safety of any child in the facility."

HANDBOOK ENDS HERE

- (c) (Continued)

- (d) The licensee shall permit the Department to inspect, audit, and copy children's records or other family child care home records upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:

- (1) Licensing representatives shall not remove the following current records unless the same information is otherwise readily available in another document or format:

- (A) Current emergency information cards for current children in care as specified in Section 102417(g)(7).
- (B) The current roster of children in care as specified in Section 102417(g)(8).
- (C) Children's immunization records as specified in Section 102418(g).
- (D) Documentation of completion of health and safety training by the licensee and other personnel as specified in Sections 102368(d) and 102416(c).

- (E) Any other records containing current emergency or health-related information for current children in care or staff.
- (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the licensee or designated substitute.
- (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.852, ~~and~~ 1597.55a and 1597.55b, Health and Safety Code; ~~and~~ *Rush v. Obledo*, (9th Cir. 1985) 756F.2d 713, and *Golden Day Schools, Inc. v. Pirillo* (C.D. Cal. 2000) 118 F. Supp. 2nd 1037.

Amend Section 102392 to read:

102392 SITE VISITS

102392

- (a) ~~No site visits, or unannounced visits or spot checks to licensed family child care homes, shall be made except as follows:~~
- (1) ~~A site visit shall be required prior to the initial licensing of the applicant.~~
 - (2) ~~The Department shall make an unannounced site visit on or before every third anniversary of the issuance of the license.~~
 - (3) ~~The Department shall make an unannounced site visit on the basis of a complaint and a follow up visit as provided in Section 1596.853 of the Health and Safety Code.~~
 - (4) ~~In addition to any site visit or spot check authorized under this section, the Department shall annually make unannounced visits on 10 percent of all family child care homes for children licensed under this chapter. The unannounced visits may be made at any time.~~
 - (5) ~~An unannounced site visit shall adhere to both of the following conditions:~~
 - (A) ~~Visits shall take place only during normal business hours or at any time family child care services are being provided.~~
 - (B) ~~The inspection of the family child care home shall be limited to those parts of the home in which family child care services are provided or to which the children have access.~~
- (a) Site visits to family child care homes shall be conducted as specified in Health and Safety Code Section 1597.55a.

HANDBOOK BEGINS HERE

Health and Safety Code Section 1597.55a provides in part:

“Every family day care home shall be subject to unannounced visits by the department as provided in this section. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

- “(a) The department shall conduct an announced site visit prior to the initial licensing of the applicant.
- “(b) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

- “(1) When a license is on probation.
- “(2) When the terms of agreement in a facility compliance plan require an annual evaluation.
- “(3) When an accusation against a licensee is pending.
- “(4) In order to verify that a person who has been ordered out of a family day care home by the department is no longer at the facility.
- “(c) The department shall conduct [random] annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subdivision (b)....
- “(d) Under no circumstance shall the department visit a licensed family day care home less often than once every five years.
- “(e) A public agency under contract with the department may make spot checks if it does not result in any cost to the state. However, spot checks shall not be required by the department.
- “(f) The department or licensing agency shall make an unannounced site visit on the basis of a complaint and a followup visit as provided in Section 1596.853.
- “(g) An unannounced site visit shall adhere to both of the following conditions:
 - “(1) The visit shall take place only during the facility’s normal business hours or at any time family day care services are being provided.
 - “(2) The inspection of the facility shall be limited to those parts of the facility in which family day care services are provided or to which the children have access.
- “(h) The department shall implement this section during periods that Section 1597.55b is not being implemented in accordance with Section 18285.5 of the Welfare and Institutions Code [which provides, in part, that additional licensing visits be conducted if sufficient funds are available through the “Have a Heart, Be a Star, Help Our Kids” license plate program].

HANDBOOK ENDS HERE

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.81(b), 1596.852, ~~and~~ 1597.55a, and 1597.55b, Health and Safety Code; and Section 18285.5, Welfare and Institutions Code.